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#31

Applicant or Patent: Nicholas Mark ANSTEY
Serial or Patent No.: Joseph Brice WEINBERG
Filed or Issued: Donald L. GRANGER
For: 29 July 1998
A METHOD OF PROPHYLAXIS AND TREATMENT

Attorney's
Locket No: _____

OCT 26 1998
U.S. PATENT OFFICE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION MENZIE SCHOOL OF HEALTH RESEARCH
ADDRESS OF ORGANIZATION Combined Health Building (58), Royal Darwin Hospital,
Rocklands Drive, Tiwi, Northern Territory 0810, Australia

TYPE OF ORGANIZATION

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c) (3))
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c) (3)) IF LOCATED IN THE UNITED STATES OF AMERICA
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled A METHOD OF PROPHYLAXIS AND TREATMENT by inventor(s) Nicholas Mark ANSTEY, Joseph Brice WEINBERG & Donald L. GRANGER described in

- ☐ the specification filed herewith
☐ application serial no. 09/124,485, filed 29 July 1998
☐ patent no. _____, issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME Duke University
ADDRESS Erwin Road, Durham, North Carolina 27710
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING JOHN D MATHEWS
TITLE IN ORGANIZATION MENZIES SCHOOL OF HEALTH RESEARCH
ADDRESS OF PERSON SIGNING Royal Darwin Hospital, Rocklands Drive, Tiwi,
Northern Territory, 0810, Australia
Signature: [Signature] DATE 15 SEPT 1998

Applicant or Patentee: Anstey et al.
Serial or Patent No. 09/124,485
For: A METHOD OF PROPHYLAXIS AND TREATMENT

Attorney's # 73-97
Filed or Issued: July 29, 1998

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION Duke University
ADDRESS OF ORGANIZATION Erwin Road
Durham, North Carolina 27710

TYPE OF ORGANIZATION

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION LOCATED IN ANY COUNTRY
☐ AN ORGANIZATION OF THE TYPE DESCRIBED IN SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE OF 1954 (26 U.S.C. 501(c)(3)) AND EXEMPT FROM TAXATION UNDER SECTION 501(a) OF THE INTERNAL REVENUE CODE (26 U.S.C. 501(a))
☐ ANY NONPROFIT SCIENTIFIC OR EDUCATIONAL ORGANIZATION QUALIFIED UNDER A NONPROFIT ORGANIZATION STATUTE OF A STATE OF THIS COUNTRY (35 U.S.C. 201(i))
☐ ANY NONPROFIT ORGANIZATION LOCATED IN A FOREIGN COUNTRY WHICH WOULD QUALIFY AS A NONPROFIT ORGANIZATION UNDER THE ABOVE PARAGRAPHS (2) OR (3) IF IT WERE LOCATED IN THIS COUNTRY

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. 1.9(e) for purposes of paying reduced fees under §41(a) and (b) of Title 35, United States Code, with regard to the invention entitled

"A METHOD OF PROPHYLAXIS AND TREATMENT"

by inventors Nicholas Mark ANSTEY, Joseph Brice WEINBERG and Donald L. GRANGER

described in ☐ the specification filed herewith
☒ application serial no. 09/124,485 filed July 29, 1998
☐ patent no. issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

NAME Menzies School of Health Research ☐ INDIVIDUAL
ADDRESS Royal Darwin Hospital ☐ SMALL BUSINESS CONCERN
Rocklands Drive, Tiwi ☒ NONPROFIT ORGANIZATION
Northern Territory 0810, Australia

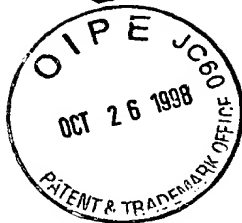
I acknowledge the duty to file, in this application or patent, notification of any change in statu/s resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Robert L. Taber, Ph.D.
TITLE IN ORGANIZATION Associate Vice Chancellor
ADDRESS OF PERSON SIGNING Box 3701, DUMC, Durham, NC 27710

SIGNATURE [Signature] DATE 10/15/98

GREENLEE, WINNER and SULLIVAN, P.C.
5370 Manhattan Circle, Suite 201
Boulder, Colorado 80303



Attorney Docket No. 73-97

INVENTORS' DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenship are as stated below our names.

We believe that we are the original and first inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A METHOD OF PROPHYLAXIS AND TREATMENT

the specification of which was filed on July 29, 1998, as Application Serial No. 09/124,485
_____ ; and amended on July 29, 1998 (if applicable).

We hereby authorize our legal representative to add reference to the Serial No. and/or filing date of the above-referenced application to this declaration.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application to which priority is claimed:

Country	Application No.	Date of Filing (day,month,year)	Date of Issue (day,month,year)	Priority Claimed 35 U.S.C.119
				Yes__ No__

Prior Provisional Application(s)

We hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Application Serial Number	Date of Filing (day,month,year)
60/054,114	29 July 1997

Prior U.S. Application(s) and PCT International Application(s) Designating the United States

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT International application(s) designating the United States listed below:

Application Serial Number	Date of Filing (day,month,year)	Status(Patented,Pending,Abandoned)
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Insofar as the subject matter of each of the claims in this application is not disclosed in the prior United States, foreign or PCT International application(s) to which priority has been claimed above in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

We hereby appoint, both jointly and severally, as our attorneys and agents with full power of substitution and revocation, to prosecute this application and any corresponding application filed in the Patent Cooperation Treaty Receiving Office, and to transact all business in the Patent and Trademark Office connected herewith the following attorneys and agents, their registration numbers being listed after their names:


Lorance L. Greenlee, Reg. No. 27,894; Ellen P. Winner, Reg. No. 28,547; Sally A. Sullivan, Reg. No. 32,064; Donna M. Ferber, Reg. No. 33,878; Jennie M. Caruthers, Reg. No. 34,464; Alison A. Langford, Reg. No. 37,374, G. William VanCleave, Reg. No. 40,213, all of Greenlee, Winner and Sullivan, P.C., 5370 Manhattan Circle, Suite 201, Boulder, CO 80303.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made

are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


(1) Full Name of

First Inventor: ANSTEY, Nicholas Mark
Residence: Jingili, Australia
Citizenship: Australia
Post Office Address: 13 Garden Circuit, Jingili, Northern Territory 0810, Australia

(1) Signature  Date 15/9/98

(2) Full Name of

Second Inventor: WEINBERG, Joseph Brice
Residence: Durham, North Carolina
Citizenship: USA
Post Office Address: Snowhill Road, Durham, NC

(2) Signature x  Date x 25 Sep 98

(3) Full Name of

Third Inventor: GRANGER, Donald L.
Residence: Holladay, UT
Citizenship: USA
Post Office Address: 2761 Swansont Way, Holladay, UT 84117

(3) Signature x  Date x 10-16-98